

**Senate File 2041 - Introduced**

SENATE FILE 2041

BY DICKY

**A BILL FOR**

1 An Act relating to relocation of a minor child's residence  
2 outside the minor child's established school district.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION. 598.21H Relocation of minor child's  
2 residence outside established school district — modification of  
3 order of child custody.

4     1. If the provisions of section 598.21D are not applicable,  
5 and the intended relocation of a parent awarded joint legal  
6 custody and physical care or sole legal custody results  
7 specifically in relocating the residence of the minor child  
8 to a location outside the minor child's school district as  
9 established at the time custody was awarded, the relocating  
10 parent shall provide sixty days' advance written notice of  
11 the intended relocation to the court and to the nonrelocating  
12 parent. The court shall consider the relocation a substantial  
13 change in circumstances.

14     2. The court shall, upon motion of either party, schedule a  
15 hearing to review the notice of relocation to determine if the  
16 relocation is in the best interest of the child. The burden of  
17 proving that relocation of the residence of the minor child is  
18 in the best interest of the child is on the relocating parent.  
19 The court's primary consideration in determining if the  
20 relocation is in the best interest of the child shall be the  
21 effect of the relocation on the child's opportunity for maximum  
22 continuous physical and emotional contact with both parents  
23 rather than any benefit to the relocating parent relating to  
24 employment opportunities or personal relationships.

25     3. If the court determines the relocation is in the best  
26 interest of the child, the court may modify the custody order  
27 to, at a minimum, preserve, as nearly as possible, the existing  
28 relationship between the minor child and the nonrelocating  
29 parent. The order may include a provision assigning the  
30 responsibility for transportation of the minor child for  
31 visitation purposes to the relocating parent.

32     4. If the court determines the relocation is not in the  
33 best interest of the child and the nonrelocating parent has  
34 joint legal custody, but has not been awarded physical care,  
35 the court may, upon request of the nonrelocating parent, do one



1 custody and physical care or sole legal custody specifically  
2 results in relocating the residence of the minor child to a  
3 location which is outside the minor child's school district as  
4 established at the time custody was awarded, the relocating  
5 parent shall provide 60 days' advance written notice of the  
6 intended relocation to the court and to the nonrelocating  
7 parent. The court shall consider the relocation a substantial  
8 change in circumstances.

9     The court shall, upon motion of either party, schedule a  
10 hearing to review the notice of relocation to determine if the  
11 relocation is in the best interest of the child. The burden  
12 of proving that relocation of the residence of the minor child  
13 is in the best interest of the child is on the relocating  
14 parent. The court's primary consideration in determining if  
15 the relocation is in the best interest of the child shall be  
16 the effect of the relocation on the child's opportunity for  
17 maximum continuous physical and emotional contact with both  
18 parents rather than any benefit to the relocating parent from  
19 employment opportunities or personal relationships.

20     If the court determines the relocation is in the best  
21 interest of the child, the court may modify the custody order  
22 to, at a minimum, preserve, as nearly as possible, the existing  
23 relationship between the minor child and the nonrelocating  
24 parent. The order may include a provision assigning the  
25 responsibility for transportation of the minor child for  
26 visitation purposes to the relocating parent.

27     If the court determines the relocation is not in the best  
28 interest of the child, the bill provides that upon the request  
29 of the nonrelocating parent, alternatives for modification  
30 are available based on whether the nonrelocating parent has  
31 joint legal custody but was not awarded physical care or the  
32 relocating parent has sole custody of the minor child. If  
33 the nonrelocating parent has joint legal custody but was  
34 not awarded physical care, the court may modify the custody  
35 order to award physical care to the nonrelocating parent

1 and to provide visitation to the relocating parent to, at  
2 a minimum, preserve, as nearly as possible, the existing  
3 relationship between the minor child and the relocating parent;  
4 alternatively, the court may maintain the award of joint legal  
5 custody and physical care with the relocating parent and at  
6 a minimum, preserve, as nearly as possible, the existing  
7 relationship between the minor child and the nonrelocating  
8 parent. If the court determines the relocation is not in the  
9 best interest of the child and the relocating parent has sole  
10 legal custody, upon request of the nonrelocating parent, the  
11 court shall modify the custody order to provide increased  
12 visitation to the nonrelocating parent in addition to that  
13 provided under the existing custody order and may include a  
14 provision assigning the responsibility for transportation of  
15 the minor child for visitation purposes to the relocating  
16 parent.